

Official Minutes for Webb County Commissioners Court Special Meeting

Friday, June 16, 2006 at 1:30 PM

(Approved 07-24-2006)

Call to order by Cmr. Judith Gutierrez, acting Judge

Let it be remembered that a special meeting of the Webb County Commissioners Court was held at 1:00 p.m. at the regular meeting place with the following members present to wit:

Judith Gutierrez	Commissioner, Pct. 2 (Acting Judge)
Frank Sciaraffa	Commissioner, Pct. 1
Jerry Garza	Commissioner, Pct. 3
Cindy Cortez-Brunner	Commissioner, Pct. 4

Not Present

Louis H. Bruni	County Judge
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Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 13th of June 2006. Present also were Mr. Marco A. Perez, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

Roll Call – Margie Ramirez Ibarra, Webb County Clerk

Pledge of Allegiance – Led by All

Cmr. Garza motioned to excuse Judge Bruni from today's meeting. Cmr. Cortez-Brunner seconded the motion.

Motion carried 4-0 with Judge Bruni not present.

Item No. 1 Discussion and possible action to transfer funds from savings in various payroll accounts to fully fund deficits and/or anticipated deficits in the following accounts:

001-2600-5005	Temporary Part Time
001-2062-6208	Groceries

Mr. Leo Flores, County Auditor, was present to address the court. He stated that he sent a memo to the court outlining what monies were available to cover these deficits. He stated that the Part Time is a line item in the Justice Center Security account and as of today was in deficit \$219,530. He stated that the county would need to allocate enough monies to cover the additional nine pay periods if they wished to continue paying those employees to the end of the fiscal year for a total needed of \$418,619. He stated that Grocery costs are estimated at \$94,000 per month based on the prior two months. He stated that it would be approximately \$376,000 to cover June thru September and this would increase their Groceries budget from \$540,000 to \$916,000. He stated that there is approximately \$851,000 in payroll savings from all the departments to cover some of these shortages. Cmr.

Gutierrez stated that she understood from the Sheriff's Department that they had the monies available in their own department savings. Mr. Flores stated that this line item was only budgeted \$30,000 so the account would have been almost exhausted with the first payroll and would have been overdrawn by the second payroll. He estimated that there will be \$168,000 in payroll savings from the Sheriff's Department and that the County Attorney's Office has volunteered \$100,000 from their own payroll savings. Mr. Flores stated that he has spoken with Mr. J.J. Gonzalez, Sheriff Comptroller, who stated that his comments concerning payroll savings of \$500,000 were incorrect. Cmr. Gutierrez stated that several months ago, the Sheriff requested several full time positions but was advised to hire part time employees to be paid out of the Overtime Line Item, which was budgeted at \$344,223. Once those monies were close to being exhausted, they would come before the court to see where their other accounts stood in case there were any savings in other line items to cover these slots. She stated that her concern is that this line item has a balance of \$900 remaining. Cmr. Gutierrez stated that it was important to have a good grasp of how and why \$344,000 has already been exhausted when it was to be used to pay for part timers. She stated that the court needed to know where the Sheriff's Department is financially since there are departments that will be affected if their payroll savings are transferred over to the Sheriff's Department. Mr. J.J. Gonzalez, Sheriff Comptroller, was present to address the court. He stated that the account balance of \$900 is only one of six overtime accounts. He stated that he wished he had in writing where Mr. Leo Flores had stated that they would have enough payroll savings to cover the part time line item but that he did not. He stated that Mr. Flores had advised them that they had a larger payroll savings than what he stated today. He stated that they will be short \$190,000 to finish the fiscal year. He stated that in a meeting held with Mr. Flores, they worked out a schedule of how many part time employees could be hired, the number of hours they would work and at what rate. He stated that they were unaware of what happened that would change the monies available to cover the part time employees. Cmr. Gutierrez stated that she and Cmr. Sciaraffa were present at that meeting. She stated that they had stated that more than likely they would be able to fund the part timers for six months only. Mr. Gonzalez stated that they had been instructed by the County Auditor to not make any line item transfers until the end of the fiscal year. He stated that if they had been allowed to do line item transfers quarterly, they would have caught the fund shortage and acted appropriately. He stated that they currently employ 32 part time employees with no fringe benefits. Cmr. Garza stated that he was concerned about bringing these accounts down to zero and then having this happen again at the end of the fiscal year. Mr. Gonzalez stated that the Groceries Line item is the only operational line item that they are requesting additional funding for since this line item is always under funded since they have no way of knowing how much groceries will cost during the fiscal year. He stated that he would perform an analysis as to what happened to the expected payroll savings that were to be used to pay for these part time employees. Cmr. Garza stated that it wasn't fair for other departments' payroll savings be used to cover this overage just because something happened in another department's budget. He stated that this would affect over 30 departments that have some payroll savings to make up this difference. He stated that the court has been placed in a very precarious situation because these employees need to be paid since they are relying on their paycheck and are not the ones at fault. He stated that he did not want to set precedence that any department can go over on their payroll or other line items knowing that the court will cover the overages from other department savings. He stated that the court depends on those department savings to go back into the General Fund. Mr. Gonzalez stated that he understands Cmr. Garza's concerns that they are at fault. He stated that he was unable to tell the

court what went wrong in their calculations but that he would perform an analysis and report to the court his findings. Cmr. Cortez-Brunner stated that this was completely unacceptable and gross negligence. She stated that Mr. Gonzalez is paid top dollar to monitor these accounts and this is complete mismanagement. She questioned how many more accounts will fall into this predicament. Mr. Gonzalez stated that only other account that would be short was Groceries since it was under funded since they aren't aware of market values of groceries. Cmr. Cortez-Brunner stated that as per Mr. Flores's memo, the transfer will increase the Groceries Line item from \$540,000 to \$916,000, which is a big difference. Mr. Gonzalez stated that the groceries always vary depending on the market value and the cost of deliveries. He stated that they also provide the meals for the Juvenile Department at no cost to them. Cmr. Gutierrez stated that she agreed with Cmr. Cortez-Brunner and that she is very shocked at the increase being requested for Groceries. She stated that never has this line item been increased to almost twice its budgeted amount. She stated that Webb County has a contract for groceries so they need to know that whoever is the groceries vendor must stay within the prices quoted to the court in their bid. She stated that fluctuating prices should not be a primary reason as to why this account has gone over budget and if the prices are fluctuating, then the court needed to be made aware of this. Mr. Gonzalez stated that the Purchasing Department is the one who verifies that the rates being paid to the vendor match those in the bids. Cmr. Gutierrez stated that there have been several years in which the jail was at full capacity and it never went over budget by more than \$150 – 175,000. She stated that the Juvenile Department is supposed to reimburse the Sheriff's department for the meals that they provide since they do have a line item for this expense. Mr. Gonzalez stated that they will contact the County Attorney's Office in regards to this and will bill the Juvenile Department the meals that they have provided. Cmr. Gutierrez stated that she was concerned about the number of part time employees since they do have to comply with the Commission on Jail Standard requirements but she was unsure as to whether this would affect the staff to inmate ratio required by the Commission. She stated that they have adequate staffing for the jail but questioned whether the part time employees were being used for work other than to comply with the staff to inmate ratio. Mr. Gonzalez stated that they are strictly used for as corrections officers at the jail. Mr. Tom Sanchez, Sheriff's Department, stated that on the topic of jail standards, he wanted to advise the court that they had passed the last inspection with flying colors and only two minor deficiencies that are being corrected as we speak. Cmr. Garza congratulated them for passing their recent inspection and asked what their plan was if the court were to bring their part time line item up to date. Mr. Gonzalez stated that he would have to look into what they would do since they are still short \$190,000 to cover the end of the fiscal year. Cmr. Cortez-Brunner inquired to Mr. Homero Ramirez, County Attorney, whether any of these shortages could be covered out of forfeiture funds. Mr. Ramirez stated that he was very hesitant with giving a yes or no answer since both state and federal forfeiture accounts are subject to state or federal audit and the mandate from the Justice Department (Federal) and Attorney General (State) requires that the funds be used exclusively to augment not to supplant. He stated that the augmentation process is the decision of the Sheriff. He stated that there are restrictions for the use of these funds. The only caveat is that it would have to be done in such a way that it would need to pass the auditing process. He stated that the Sheriff needed to make that decision. He recommended that the Sheriff, Auditor and himself meet to discuss whether this can be done. Mr. Sanchez stated that in this last inspection, there was a minor deficiency in the guard inmate ratio. She stated that at the last meeting with the Sheriff's Office, she came away feeling that there was sufficient staff in the jail to maintain the ratio. She stated that she was not sure of how the part time employees figured into this ratio and what their duties and responsibilities

are. She stated they needed to have concrete numbers of how much staff is needed to maintain the proper ratio to see if all 27 part timers are needed. Mr. Flores stated that there is \$816,000 available or \$794,000 as suggested in the memo. Ms. Delia Perales, County Treasurer, stated that there have been deficits in a lot of line items and they continue to be used. She stated that last year, several accounts in deficit were presented to the Court at the end of the fiscal year to approve that they be covered with department savings. Ms. Perales stated that as per the Sheriff's Department is that they were to cover the deficit at the end of the year and that is why she continue to pay the part time employees. Cmr. Gutierrez stated that she wanted Mr. J.J. Gonzalez, Sheriff Comptroller, to do an analysis of their accounts to see what other savings were available to cover the overages in the part time line item. She stated that the groceries line item cannot be left in deficit since groceries need to be purchased. She stated that today's starting point will be transferring \$168,000 to the groceries line item. Mr. Flores stated he would do the transfer. Cmr. Gutierrez stated that the court could also look into the \$3.1 million that had been allocated to the Sheriff's Department various purchases. Mr. Gonzalez stated that they only received \$673,000. He stated that an item requesting the additional monies allocated was not placed on the agenda. He stated that the balance of that account is currently \$60,000.

Cmr. Garza motioned to transfer \$168,000 to the Sheriff's Groceries Line Item and see if the part time employees can be paid out of Forfeiture funds.

Cmr. Gutierrez stated that they have been placed in a very bad predicament by having to transfer funds from department savings to the Sheriff's department to cover overages. She stated that these line items are already in deficit but that the court needed to decide whether to apply the \$168,000 to the Part Time deficit or Groceries deficit. Mr. Eloy Ramirez, Purchasing Agent, stated that the Groceries costs tend to run between \$750-800,000 a year. He stated that to stay within this budget is very simple. He stated that there are four months to go and if the expenditures are kept to \$60,000 per month, the total expenditures will end up with \$770-800,000. He stated that they could probably comb through some of the accounts to try and make up the difference in the Groceries line item. Mr. Carlos Villarreal, Executive Administrator, stated that if the court allocated the \$168,000, the court is saying that they do not have the monies necessary to pay the part time employees. He stated that each payroll is \$22,000 and it will not be paid unless the court covers the \$218,000 that is needed. He stated that another concern is about having the employees return to work without having any monies in those accounts and begin this cycle all over again. He recommended taking the \$100,000 volunteered by County Attorney's Office payroll savings as well as the \$168,000 and transferring those funds to the Part Time Line item so that there are sufficient funds to cover the employees until the next court meeting.

Cmr. Garza amended his motion to take the \$168,000 from Sheriff Payroll savings and \$100,000 from the County Attorney payroll savings, subject to the Sheriff's reimbursement, to the Part Time line item. Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 with Judge Bruni not present.

Mr. Leo Flores, County Auditor, stated that the court can prorate a certain amount from each line item to total at least \$94,000 so that they can continue to pay for at least one month. He stated that if this is not done, he will be unable to pay any bills from the Groceries account and the county will then begin to receive call from vendors.

Cmr. Gutierrez stated that court would recess for a quick break but requested that Item No. 2 be taken before the court takes their break.

Item No. 2 Discussion and possible action to approve the following Refund:
To the Texas A & M University Sys, Sys R Est John Connally Reason:
Exemption as of 01-01-2005 for 2005 in the amount of \$12,180.26.

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 4-0 with Judge Bruni not present.

BREAK (3:00 PM – 3:12 PM)

The Court reconvened after break. They continued discussions on Item No. 1.

Item No. 1 Discussion and possible action to transfer funds from savings in
various payroll accounts to fully fund deficits and/or anticipated deficits
in the following accounts:
001-2600-5005 Temporary Part Time
001-2062-6208 Groceries

Mr. Leo Flores, County Auditor, requested a prorated line item transfer to the Groceries line item totaling \$94,000. He stated that this amount would cover expenses to the end of June.

Cmr. Sciaraffa motioned to accept the County Auditor's Recommendation for prorated line item transfers from various departments to Groceries line item. Cmr. Garza seconded the motion for discussion.

Cmr. Gutierrez requested that Mr. Flores prepare an analysis on a monthly basis to advise the court of the deficits in the Sheriff's Department. She stated that it was very important to keep the court up to date at to these accounts. Mr. Flores stated that they will have this report at the next court meeting. Mr. Sanchez requested the court's assistance in coming up with a figure to charge the Juvenile Department for the 90 meals that the jail provides daily. Mr. Homero Ramirez, County Attorney, stated that he did not feel it would be right to discuss this item at this time since it is not on the agenda. Cmr. Gutierrez recommended that the committee that will be meeting with the Sheriff after this meeting discuss this issue with the Sheriff. Ms. Perales stated that her department is shown with a payroll savings of \$10,000 but that she doesn't feel she has that much money available. She requested an opportunity to perform an analysis of her department. She stated that she did not mind giving the money to the Sheriff's Department is she has the monies available.

Motion carried 4-0 with Judge Bruni not present.

Cmr. Cortez-Brunner motioned to adjourn the meeting. Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 with Judge Bruni not present.